

IN RE: PETITION FOR RESIDENTIAL VARIANCE BEFORE THE
N/S New Cut Road, 1350' W of the c/l of Lee Ben Road
7154 New Cut Road
11th Election District
5th Councilmanic District
Thomas L. Raines, et ux
Petitioners
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 91-72-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit side yard setbacks of 36 feet and 48 feet in lieu of the required 50 feet for both in accordance with Petitioner's Exhibit 1.

The Petitioners appeared, testified and were represented by Henry J. Myerberg, Esquire. Appearing as Protestants in the matter were John McAllister, a resident of New Cut Road, and his daughter, Lillian Deebie.

Testimony indicated that the subject property, known as 7154 New Cut Road, consists of 2.05 acres zoned R.C. 5 and is improved with a dilapidated dwelling. Petitioners purchased the property in April 1990 with the intention of removing the existing structure and building a new single family dwelling. At the time of purchase, the property was known as 7150 New Cut Road. Upon application for a building permit, Petitioners were advised that the proposed improvements necessitated variances and Petitioners filed their request for a variance through the administrative process. However, a request for a public hearing was filed by John McAllister. Subsequent to the filing for an administrative variance, it was determined that three parcels of land in the area had been given the same house number. The subject property has since been redesignated as 7154 New Cut Road. Testimony indicated that due to the inhabitable condition of the existing dwelling, Petitioners have not moved into the proper-

ty. Petitioners plan to replace the existing dwelling, hopefully using the same foundation, with a new dwelling in accordance with that set forth in Petitioner's Exhibit 4. Mr. Raines testified that the new dwelling will be closer to each side property line due to Petitioners' plans to have a family room on the west side and a garage on the east side. Mr. Raines testified that due to the location of the septic system in the rear, the proposed garage addition cannot be constructed in the rear. He indicated that they spoke to Mr. Parr, the adjoining property owner at 7222 New Cut Road, who voiced no objections to their plans. Mr. Raines further testified that he also spoke to Ms. Harbin, who resides at 7152 New Cut Road on the east side of the property abutting the proposed garage. He indicated he personally showed Ms. Harbin the approximate location of the end of the proposed garage and that she also voiced no objections to Petitioners' plans. Testimony presented indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community. Further, Petitioners argued that a denial of the requested variance would result in practical difficulty as strict compliance in this instance would be impractical due to the unique characteristics of this lot. In support of their request, Petitioners submitted numerous photographs depicting the subject property and its relationship to the adjoining residences.

Mrs. Lillian Deebie testified that her family has owned property west of 7122 New Cut Road for over 50 years. She testified that her family owns two parcels of property which are presently vacant. Mrs. Deebie argued that strict compliance with the zoning regulations should be implemented. In cross examination, Mrs. Deebie conceded that the requested variances in and of themselves did not create a health or fire hazard.

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She further acknowledged that a portion of the family's property to the west of the subject site had been sold and indicated that she was unaware that the buyers of that property had in fact filed and been granted a variance for side yard setbacks.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of November, 1990 that the Petition for Residential Variance to permit side yard setbacks of 36 feet and 48 feet

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in lieu of the required 50 feet for both, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The proposed dwelling shall be constructed of similar design as depicted in Petitioner's Exhibit 4.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

AMN:bjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

- 4 -

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1A04.3.B.3 to permit a side setback of 36' + 43' in lieu of the required 50 foot setbacks.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason(s) (indicate hardship or practical difficulty):

There is not enough room in the house for our family and we wish to enlarge it by adding a bedroom on the east end and a family room on the west end.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

Henry J. Myerberg, esq.

(Type or Print Name)

Signature

28 Allegheny Ave, Suite 701, Towson, MD 21204

Address

828-7090

Attorney's telephone number

Legal Owner(s):

Thomas L. Raines

(Type or Print Name)

Signature

Linda G. Raines

(Type or Print Name)

Signature

7150 New Cut Rd 574-8774

Address

Kingsville, MD 21087

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Henry J. Myerberg, esq.

28 Allegheny Ave, Towson, MD 21204 828-7090

Address

828-7090

Attorney's telephone number

ORDERED by the Zoning Commissioner of Baltimore County, this 13 day of Aug, 1990, that the subject matter of this petition be posted on the property on or before the 5 day of Sept, 1990.

J. Robert Haines
ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this ____ day of ____, 19__, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the ____ day of ____, 19__, at ____ o'clock, ____ M.

J. Robert Haines
ZONING COMMISSIONER OF BALTIMORE COUNTY

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at

7150 New Cut Rd, Kingsville, MD 21087

(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

There is not enough room in the house for our family and we wish to enlarge it by adding a bedroom on the east end and a family room on the west end.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Affiant (Handwritten Signature)

Thomas L. Raines

Affiant (Printed Name)

Affiant (Handwritten Signature)

Linda G. Raines

Affiant (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24 day of AUGUST, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

THOMAS L. RAINES AND LINDA G. RAINES

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Notary Public

DATE

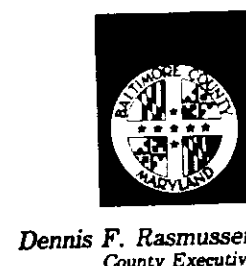
Notary Public

My Commission Expires: 9-15-91

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

November 20, 1990



Henry J. Myerberg, Esquire
28 Allegheny Avenue, Suite 701
Towson, Maryland 21204

RE: PETITION FOR RESIDENTIAL VARIANCE
N/S New Cut Road, 1350' W of the c/l of Lee Ben Road
(7154 New Cut Road)
11th Election District - 5th Councilmanic District
Thomas L. Raines, et ux - Petitioners
Case No. 91-72-A

Dear Mr. Myerberg:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Mr. John McAllister
7034 New Cut Road, Kingsville, Md. 21087

Mr. Parr
7222 New Cut Road, Kingsville, Md. 21087

Mrs. Harbin
7152 New Cut Road, Kingsville, Md. 21087

Mrs. Lillian Deebie
21 Neptune Drive, Joppa, Md. 21085

People's Counsel
File

Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R 001-6150
Number
No 3177
1455

receipt

Date 8/13/90 H9100059

| PUBLIC HEARING FEES | QTY | PRICE |
|-----------------------------------|-----|---------|
| 010 - ZONING VARIANCE (1RL) | 1 X | \$35.00 |
| 050 - POSTING SIGNS / ADVERTISING | 1 X | \$25.00 |
| TOTAL: | | \$60.00 |

LAST NAME OF OWNER: RAINES

PAID PER
HAND-WRITTEN RECEIPT
DATED 8/10/90

Please make checks payable to: Baltimore County

Cashier Validation:

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11A Date of Posting: 8/10/90

Posted for: Thomas L. Raines

Petitioner: Thomas L. Raines, et ux

Location of property: 7154 New Cut Road, 1350' W of Lee Ben Road, 11th Election District - 5th Councilmanic

Location of Signs: 7154 New Cut Road, 1350' W of Lee Ben Road, 11th Election District - 5th Councilmanic

Remarks: As verified by Myerberg

Posted by: J. Robert Haines Date of return: 8/10/90

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10-11, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10-4, 1990.

THE JEFFERSONIAN,
S. Zake-Orlman
Publisher

\$56.33

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Petition for Zoning Variance
Case No. 91-72-A
N/S New Cut Road, 1350' W of Lee Ben Road, 11th Election District - 5th Councilmanic
Petitioner(s): Thomas L. Raines, et ux
Hearing Date: Monday, Nov. 5, 1990 at 10:30 a.m.
Variance: To permit two side setbacks of 35 ft. and 48 ft. in lieu of the required 50 ft. setbacks.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
NJL/10/020 Oct. 4

Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R 001-6150
Number
No 3825

receipt

Date 8/10/90

PAID PER
HAND-WRITTEN RECEIPT
DATED 8/10/90

Please make checks payable to: Baltimore County

Cashier Validation:

Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R 001-6150
Number 01-615 No 1455
3177

receipt

Date 8/10/90

Item #59

Owner: Raines, Thomas

Fee for Administrative Zoning Variance - \$1 35.00
Fee for Sign Posting Advertising - \$1 25.00
Total - \$1 60.00

04A04#0056MICHRC \$60.00
ES 000951AH08-10-90

Please make checks payable to: Baltimore County

Cashier Validation:

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11A Date of Posting: 8/10/90

Posted for: Thomas L. Raines

Petitioner: Thomas L. Raines, et ux

Location of property: 7154 New Cut Road, 1350' W of Lee Ben Road, 11th Election District - 5th Councilmanic

Location of Signs: 7154 New Cut Road, 1350' W of Lee Ben Road, 11th Election District - 5th Councilmanic

Remarks: As verified by Myerberg

Posted by: J. Robert Haines Date of return: 8/10/90

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10-11, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10-4, 1990.

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER
S. Zake-Orlman
Publisher

\$56.33

NOTICE OF HEARING
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J. ROBERT HAINES
Zoning Commissioner of Baltimore County
NJL/10/020 Oct. 4

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 10-17-90

Mr. & Mrs. Thomas L. Raines
7154 New Cut Road
Kingsville, Maryland 21087

Re: Petition for Zoning Variance
CASE NUMBER: 91-72-A
N/S New Cut Road, 1350' W c/l of Lee Ben Road
7154 New Cut Road
11th Election District - 5th Councilmanic
Petitioner(s): Thomas L. Raines, et ux
HEARING: MONDAY, NOVEMBER 5, 1990 at 10:30 a.m.

Dear Petitioners:

Please be advised that \$ 81.33 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs
cc: Henry J. Myerberg, Esq.

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

September 21, 1990

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Petition for Zoning Variance
CASE NUMBER: 91-72-A
N/S New Cut Road, 1350' W c/l of Lee Ben Road
7154 New Cut Road
11th Election District - 5th Councilmanic
Petitioner(s): Thomas L. Raines, et ux
HEARING: MONDAY, NOVEMBER 5, 1990 at 10:30 a.m.

Variance: To permit two side setbacks of 35 ft. and 48 ft. in lieu of the required 50 ft. setbacks.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

cc: Mr. & Mrs. Raines
Henry J. Myerberg, Esq.

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

September 20, 1990

Mr. & Mrs. Thomas L. Raines
7154 New Cut Road
Kingsville, Maryland 21087

Re: CASE NUMBER: 91-72-A
ITEM: 59
LOCATION: 7154 New Cut Road

Dear Petitioner:

A request for hearing having been filed, this matter must be scheduled for a public hearing.

Formal notification of the hearing date will be forwarded to you shortly. As you recall, it will now be necessary to re-post the property and run notice of the hearing in two local newspapers. You will be billed for these advertising costs.

Very truly yours,
G. G. Stephens
(301) 887-3391

cc: Henry J. Myerberg, Esq.

MEMO

TO: File; Case #91-72-A

FROM: GWEN

A Mrs. Eden Solcum called on 9/5/90. Mrs. Solcum stated that a sign had been posted on her property with the above case number. She said that she and her family were the currently resided at 7150 New Cut Road and that members of the family had done so since the early 1970's.

I call the attorney for the Petitioners and informed him that the address written on all papers filed appeared to be incorrect and asked that he contact his clients and get back to me.

Since these initial telephone calls, the following events took place:

- 1) Mrs. Solcum and her father delivered the sign to the petitioners.
- 2) Mr. Myerberg attorney for the petitions, spoke with his clients, who informed him that the address for the house was given to them by Street Address here in Baltimore County.
- 3) Mr. Myerberg and Sharon Lutz determined that the address of 7150 had been assigned to two different houses.
- 4) The Petitioners reposted the sign on the proper property and marked the new address as assigned by Sharon on the side.
- 5) The new address is 7154 New Cut Road.

REQUEST FOR HEARING

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY:

Re: Case Number: 91-72-A
 Petitioner(s): THOMAS L. RAINES, et ux
 Location: 7154 NEW CUT ROAD

I/We, John and Evelyn McAllister
 Name(s) (Type or Print)
☒ Legal Owners () Residents, of
7216 New Cut Road and Parcel A (3.2 acres)
 Address and Parcel A (2.0 acres)
Kingsville, MD 21087 592-9737
 City/State/Zip Code Phone

which is located approximately 250 feet from the property which is the subject of the above petition, do hereby formally request that a public hearing be set in this matter.

John F. McAllister 9-18-90
 Signature Date
Evelyn M. McAllister 9-18-90
 Signature Date
 by attorney in fact, Julian E. Beale



Baltimore County
 Zoning Commission
 Office of Planning & Zoning
 700 East Joppa Road, Suite 901
 Towson, Maryland 21204
 (301) 887-3333

Ne 3446

Date

*Request for Hearing
 Case # 91-72-A
 McAllister by attorney in fact*

Cashier Validation:

Please make checks payable to Baltimore County

REQUEST FOR HEARING

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY:

Re: Case Number: 91-72-A
 Petitioner(s): THOMAS L. RAINES, et ux
 Location: 7154 NEW CUT RD

I/We, John & Evelyn McAllister
 Name(s) (Type or Print)
☒ Legal Owners () Residents, of
7216 NEW CUT ROAD
 Address

City/State/Zip Code Phone

which is located approximately _____ feet from the property which is the subject of the above petition, do hereby formally request that a public hearing be set in this matter.

John F. McAllister 9-18-90
 Signature Date
Evelyn M. McAllister 9-18-90
 Signature Date

Baltimore County
 Zoning Commission
 Office of Planning & Zoning
 Towson, Maryland 21204
 (301) 887-3333
 J. Robert Haines
 Zoning Commissioner

August 21, 1990



Dennis F. Rasmussen
 County Executive

Mr. & Mrs. Thomas L. Raines
 7150 New Cut Road
 Kingsville, Maryland 21087

Re: CASE NUMBER: 91-72-A
 ITEM NUMBER: 59
 LOCATION: N/S New Cut Road, 1350' W of Lee Ben Road
 7150 New Cut Road

Dear Petitioner(s):

Please be advised that your petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before September 5, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is September 20, 1990. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and repeating of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$6.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens
 (301) 887-3391

Baltimore County
 Zoning Commission
 Office of Planning & Zoning
 Towson, Maryland 21204
 (301) 887-3333
 J. Robert Haines
 Zoning Commissioner

October 24, 1990



Dennis F. Rasmussen
 County Executive

Henry J. Myerberg, Esquire
 28 Allegheny Avenue, Suite 701
 Towson, MD 21204

RE: Item No. 59, Case No. 91-72-A
 Petitioner: Thomas L. Raines, et ux
 Petition for Residential Variance

Dear Mr. Myerberg:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
 Chairman
 Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Thomas L. Raines
 7150 New Cut Road
 Kingsville, MD 21087

Baltimore County
 Zoning Commission
 Office of Planning & Zoning
 Towson, Maryland 21204
 (301) 887-3333
 J. Robert Haines
 Zoning Commissioner



Dennis F. Rasmussen
 County Executive

Your petition has been received and accepted for filing this 5th day of September, 1990.

J. Robert Haines
 J. ROBERT HAINES
 ZONING COMMISSIONER

Received By:

James E. Dyer
 Chairman,
 Zoning Plans Advisory Committee

Petitioner: Thomas L. Raines, et al

Petitioner's Attorney: Henry J. Myerberg

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
 Zoning Commissioner
 DATE: September 14, 1990
 FROM: Pat Keller, Deputy Director
 Office of Planning and Zoning
 SUBJECT: Thomas L. Raines, Item No. 59

The Petitioner requests a Variance to permit setbacks of 36 ft. and 48 ft. in lieu of the required 50 ft. setback.

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM59/ZAC1

RECEIVED 9/14/90

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

September 11, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT OF ZONING
 FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES
 SUBJECT: ZONING ITEM #: 59
 PROPERTY OWNER: Thomas L. Raines, et ux
 LOCATION: N/S New Cut Road, 1350' W centerline of Lee Ben Road (#7150 New Cut Road)
 ELECTION DISTRICT: 11th
 COUNCILMANIC DISTRICT: 5th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- () PARKING LOCATION () RAMPS (degree slope)
- () NUMBER PARKING SPACES () CURB CUTS
- () BUILDING ACCESS () SIGNAGE
- () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- (X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).
- () OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

Baltimore County
 Fire Department
 700 East Joppa Road, Suite 901
 Towson, Maryland 21204-5500
 (301) 887-4500
 Paul H. Reincke
 Chief

SEPTEMBER 6, 1990



Dennis F. Rasmussen
 County Executive

J. Robert Haines
 Zoning Commissioner
 Office of Planning and Zoning
 Baltimore County Office Building
 Towson, MD 21204

RE: Property Owner: THOMAS L. RAINES
 Location: 47150 NEW CUT ROAD
 Item No.: *59 Hearing Agenda: SEPTEMBER 4, 1990

Comment:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTER 22

REVIEWED: Paul H. Reincke 9-6-90 Noted and Approved: Captain E. Brady
 Planning Group Fire Prevention Bureau
 Special Inspection Division

CL/BLK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: August 30, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for September 4, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 52, 55, 59, 60, 63, 65, 68, 69 and 70.
For Item 58, a County Review Group Meeting is required.
For Items 45, 62 and 66, the previous County Review Group comments still apply.
For Item 57, the topography shows a pole at corner of drive that will interfere with widening. Half paving width of Sulphur Spring Road is 21 feet, right-of-way equals 30 feet (not shown on plan). Entrance apron to be 7-inch concrete on 4-inch CR-6, similar to Plate R-32.

For Item 61, a revised County Review Group Meeting is needed. Original County Review Group Meeting under "Chart" Building was for one story office.

For 91-42-A, Mary and National Bank Reconstruction, we have no comments.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

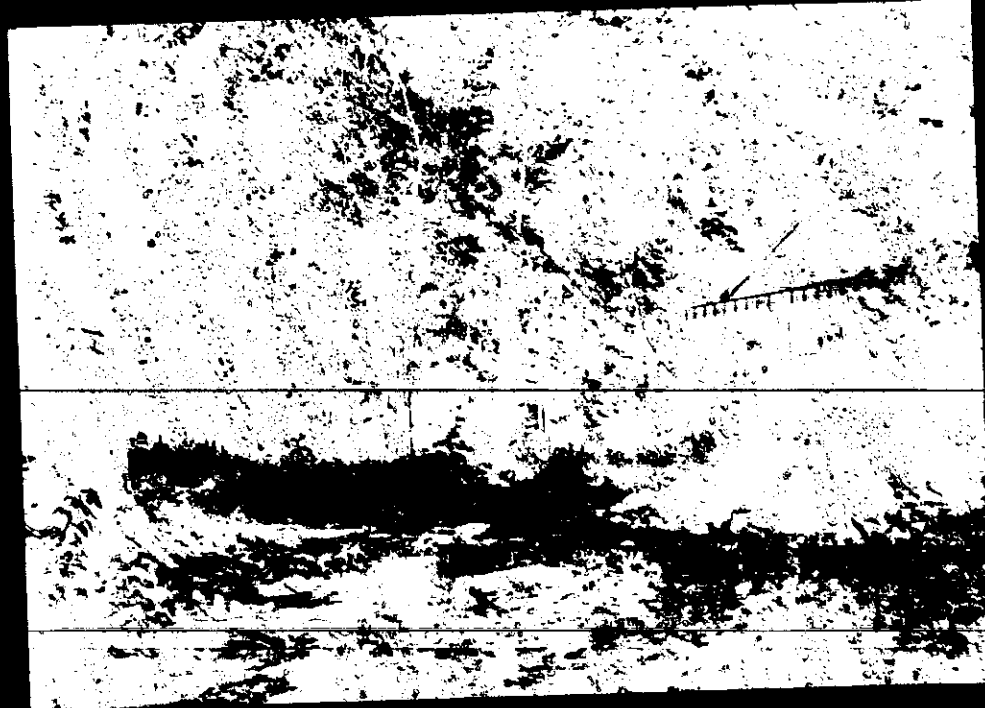
PLEASE PRINT CLEARLY PROTESTANT(S) SIGN-IN SHEET

| NAME | ADDRESS |
|------------------------|----------------------------------|
| <i>John McAllister</i> | <i>722 N. S. Road, King, Md.</i> |
| <i>John McAllister</i> | <i>722 N. S. Road, King, Md.</i> |

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

| NAME | ADDRESS |
|-----------------------|---------|
| <i>John J. Harris</i> | |
| <i>Linda Raines</i> | |
| <i>Henry Hagerlin</i> | |

PETITIONER'S EXHIBIT # 3 CASE NUMBER: 91-72-A



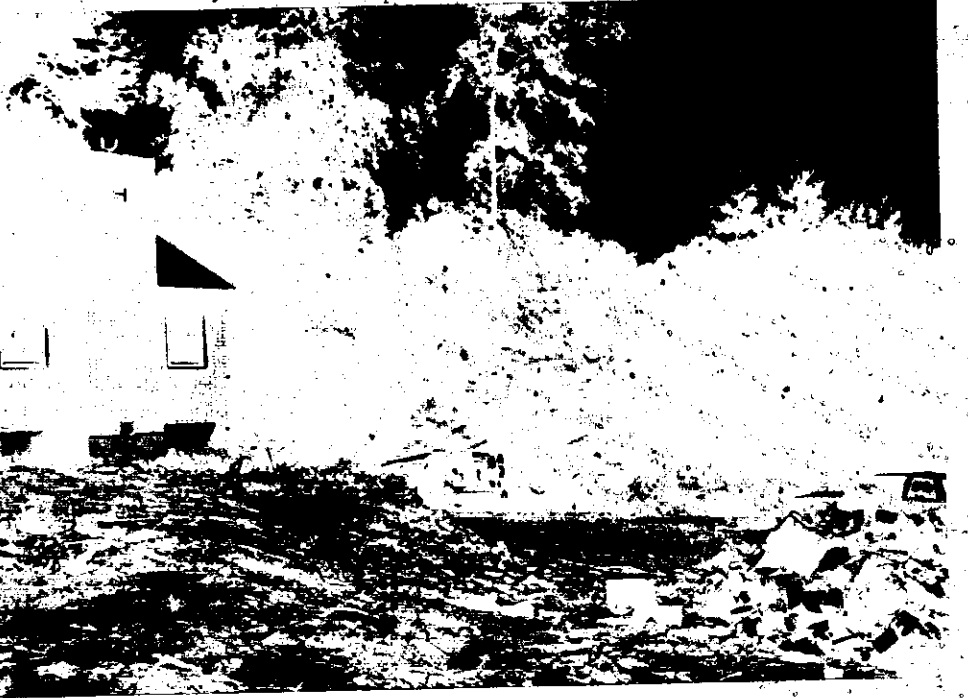
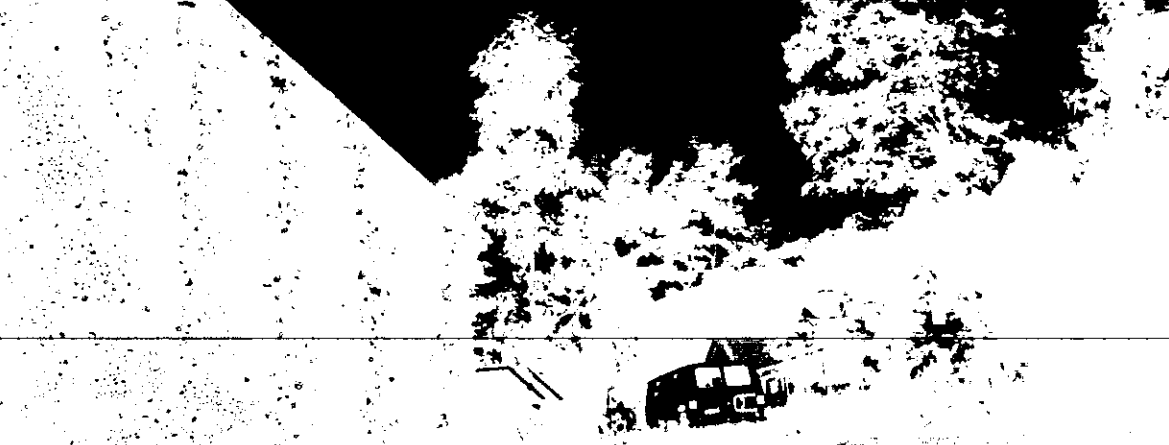
PETITIONER'S EXHIBIT # 3 CASE NUMBER: 91-72-A



7152
Mrs. Hagerlin

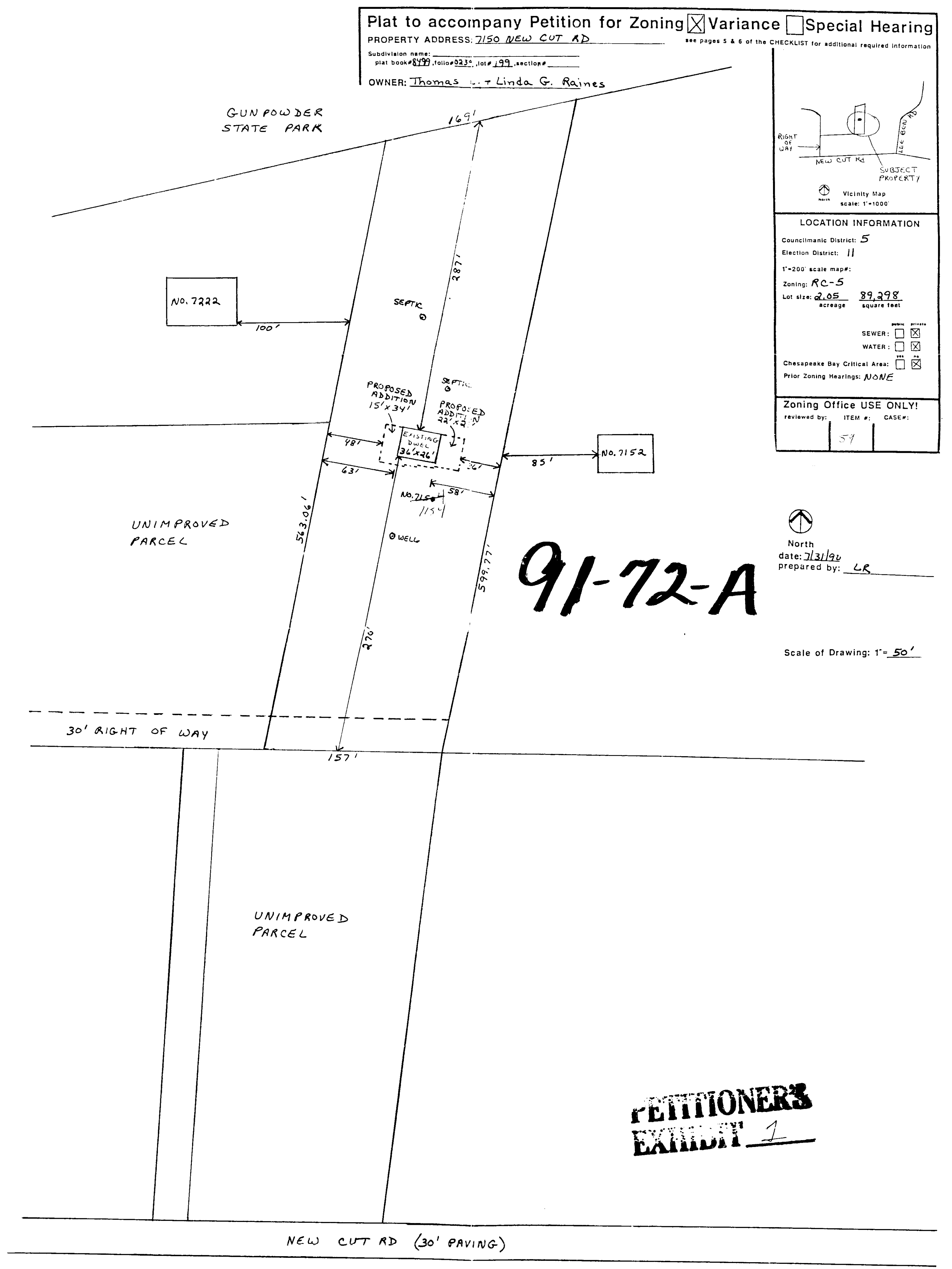
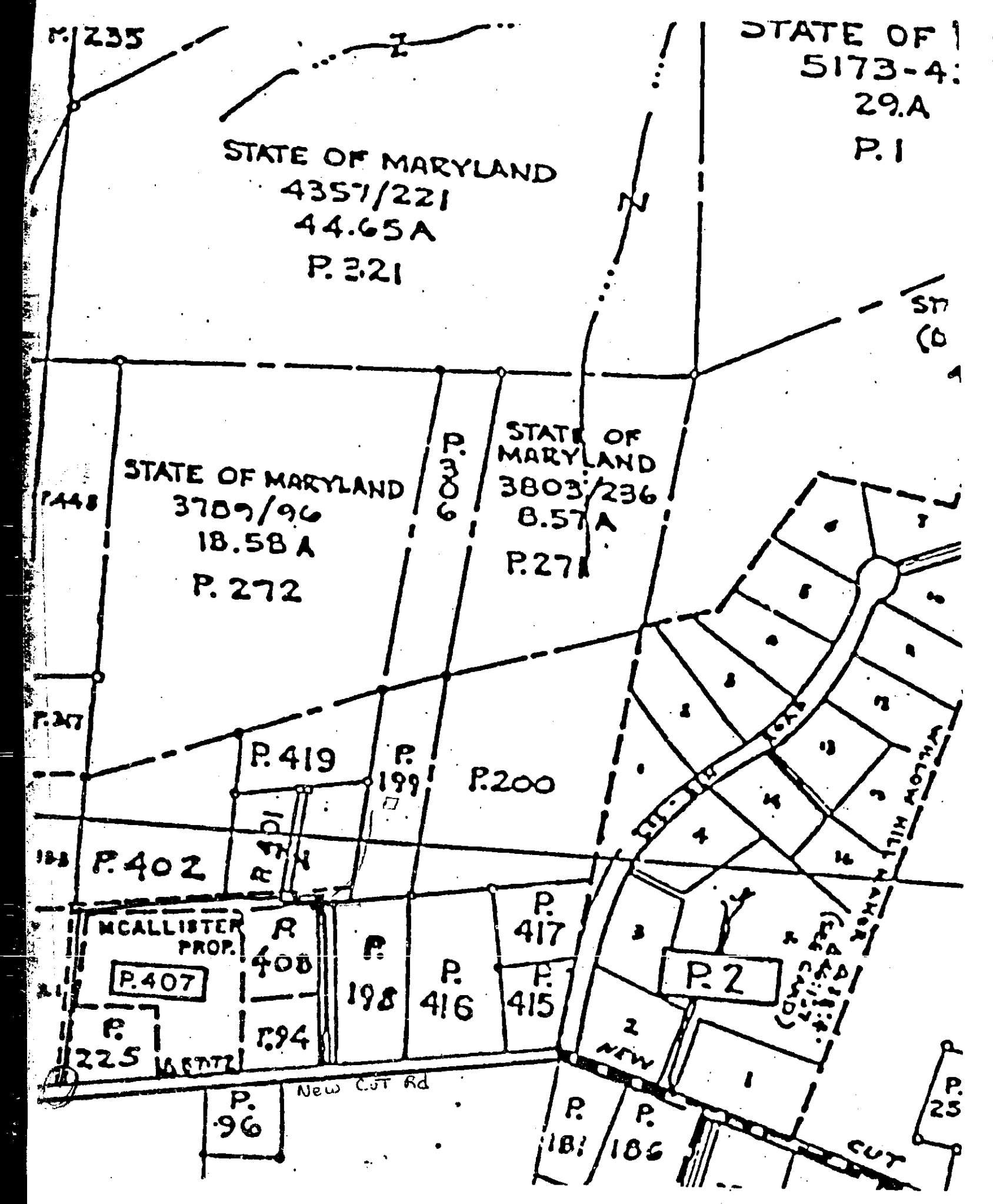
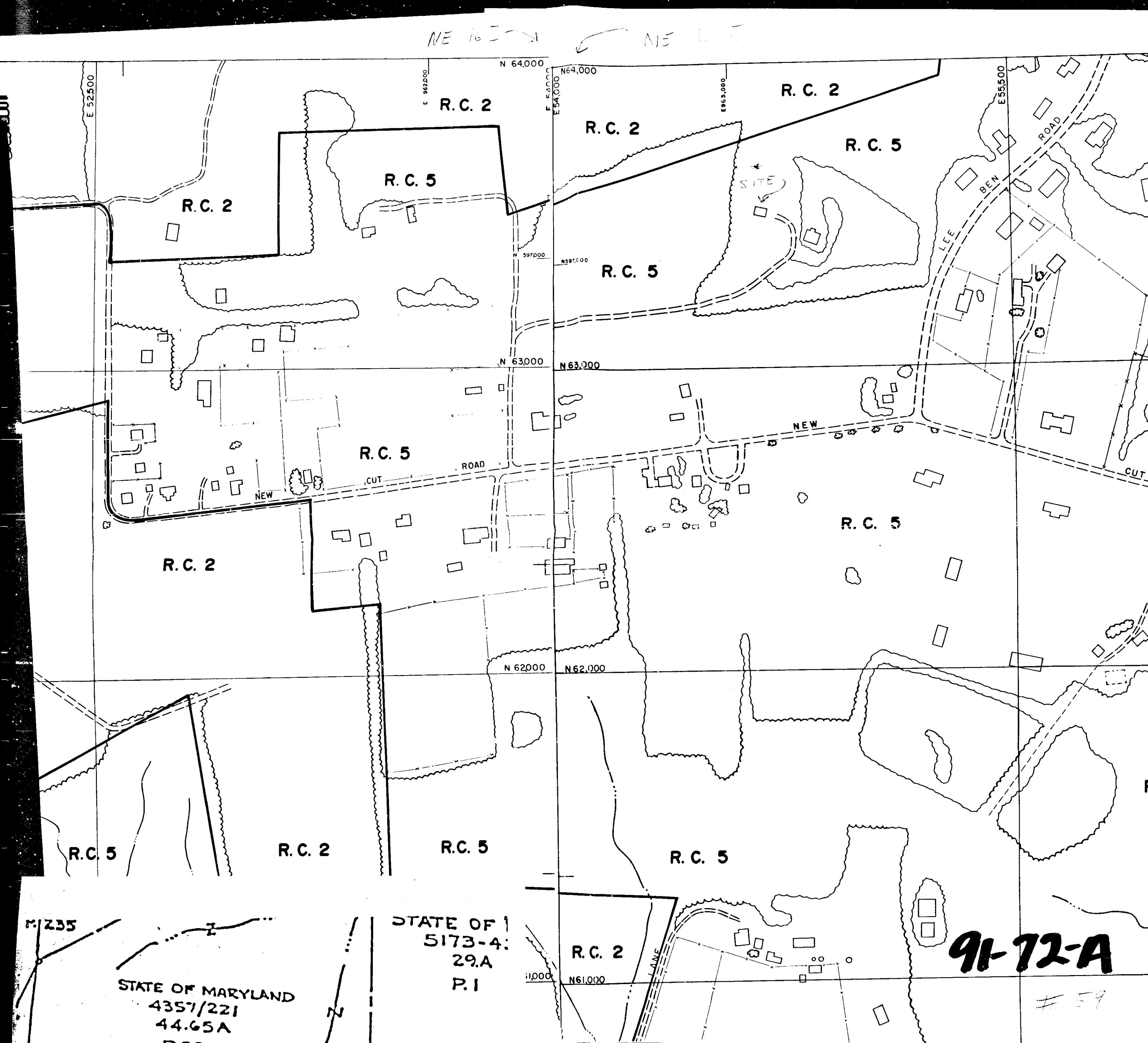
7172

PETITIONER'S EXHIBIT 2

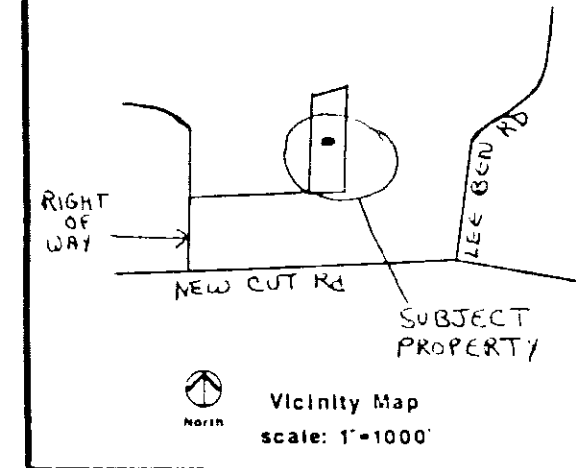


PETITIONER'S EXHIBIT 4





Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing
 PROPERTY ADDRESS: 7150 NEW CUT RD
 Subdivision name: _____
 plat book: 8199, folio: 823, lot: 199, section: _____
 OWNER: Thomas & Linda G. Raines



LOCATION INFORMATION
 Councilmanic District: 5
 Election District: 11
 1"=200' scale map:
 Zoning: RC-5
 Lot size: 2.05 acreage 89,298 square feet
 SEWER: ☒
 WATER: ☒
 Chesapeake Bay Critical Area: ☒
 Prior Zoning Hearings: NONE

Zoning Office USE ONLY!
 reviewed by: _____ ITEM #: _____ CASE#: _____
 59

North
 date: 7/31/96
 prepared by: LR

Scale of Drawing: 1"= 50'

PETITIONERS
 EXHIBIT 1